

REMARKS

The present application includes pending claims 1-21, all of which have been rejected. By this Amendment, claim 1 has been amended as set forth above. The Applicants submit that the pending claims define patentable subject matter.

The disclosure was objected because the related applications information was not up to date. The Applicants have amended the specification as set forth above to overcome this objection.

Claim 1 was rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 15 of United States Patent No. 6,749,572 (the “572 patent”). The Applicants have amended claim 1 as set forth above so that it is no longer coextensive in scope with claim 15 of the ‘572 patent.

Claims 1-21 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of the ‘572 patent. The Applicants are concurrently filing a terminal disclaimer in compliance with 37 CFR 1.321(c) to overcome this rejection.

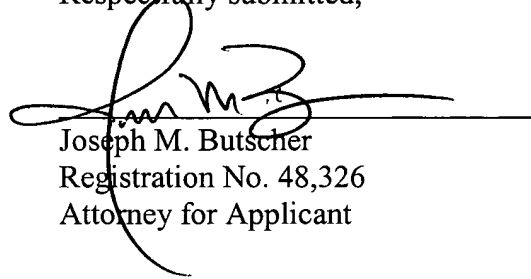
Claims 15-21 stand rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5,634,466 (“Gruner”), or United States Patent No. 5,215,092 (“Wary”), or United States Patent No. 5,388,584 (“King”), or United States Patent No. 5,470,929 (“Cooper”), or United States Patent No. 5,738,631 (“Konstorum”), or United States Patent No. 5,413,107 (“Oakley”), or in the alternative under 35 U.S.C. 103(a) as being obvious over any of the above and United States Patent No. 5,221,176 (“Ishiguro”). The Applicants respectfully traverse these rejections at least for the following:

The references noted above do not teach, nor suggest, “a **rotating endoscope shaft**, wherein said rotating endoscope shaft protrudes from said control handle,” such as recited in claim 15 of the present application. Gruner discloses a probe in which the transducer at the end of the probe may be rotated. *See, e.g.*, Gruner at column 2, lines 58-60 (“Two buttons 20 and 22 control the clockwise and counter clockwise rotation of **the transducer** at the tip of the probe.”). Wray also teaches rotation of a transducer. *See, e.g.*, Wray at column 3, lines 57-64 (“As knob 26 is turned in a first direction..., cable 32, attached to pivot arm 17, steers **ultrasonic array unit 12 to turn about a pivot pin 18** in a pivotal first direction....”). King discloses a system in which the distal portion may be deflected. *See, e.g.*, King at column 4, lines 5-10 (“Typically, distal tip portion 14 can be deflected for proper positioning of the transducer by bending of portion 24. This deflection is produced by rotation of wheels 20 which are mechanically coupled to portion 24 by cables and the like... which travel through shaft 16”). Konstorum discloses deflection of the tip, as well. *See* Konstorum at column 6, lines 6-10 (“The flexible endoscope 20 has a pair of coaxially aligned disc shaped deflection control knobs 38 and 40.”). Cooper and Oakley also disclose a transducer that may be rotated. *See, e.g.*, Cooper at column 2, lines 50-51 (“A drive system is provided for rotating **the transducer array 24.**”); *and* Oakley at column 6, lines 44-48 (“... an ultrasonic transducer at the tip of an articulated probe can be rotated about it own axis....”).

None of the cited references, however, teach or suggest, “a **rotating endoscope shaft**, wherein said **rotating endoscope shaft** protrudes from said control handle,” such as recited in claim 15 of the present application. Thus, at least for this reason, the Applicants respectfully submit that claims 15-21 should be in condition for allowance.

The Applicants respectfully submit that the pending claims of the present application should be in condition for allowance at least for the reasons discussed above and request reconsideration of the claim rejections and objections. If the Examiner has any questions or the Applicants can be of any assistance, the Examiner is invited to contact the undersigned attorney for the Applicants. The Commissioner is authorized to charge the fee for the terminal disclaimer (\$130) and any other necessary fees or credit any overpayment to the GTC Deposit Account No. 07-0845.

Respectfully submitted,



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